

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA**

United States of America, )  
Plaintiff, ) **ORDER**  
vs. )  
Torrey Flying Horse, ) Case No. 1:17-cr-132  
Defendant. )

Defendant is charged in a Superseding Indictment with two offenses: (1) conspiracy to distribute and possess with intent to distribute 500 grams or more of a mixture and substance containing detectable amounts of methamphetamine; and (2) possession with intent to distribute 50 grams or more of a mixture and substance containing a detectable amount of methamphetamine.

The court held a detention hearing for defendant on July 17, 2017. Concluding that the Government had proven by a preponderance of evidence that Defendant was a flight risk and by clear and convincing evidence that Defendant posed a danger to the community, the court ordered Defendant detained pending trial. In reaching this decision, the court took particular note of Defendant's criminal history, history of noncompliance with court orders, pending State and Tribal charges, and the nature of the offenses charged in this case.

On April 18, 2018, Defendant filed a “Motion to Amend Order of Detention Pending Trial and Request for Hearing.” He requests to be release pending trial, which is currently scheduled to commence on August 6, 2018.

The court appreciates that Defendant has been in custody since first appearing before this court in July 2017. Nevertheless the court is not inclined to revisit the issue of his custodial status

at this time as he was previously afforded a detention hearing and there is nothing in the record to suggest that there has since been a material change in circumstances. Defendant's motion to amend the order of detention (Doc. No. 168) and request for a detention hearing (Doc. No. 170) are **DENIED**.

**IT IS SO ORDERED.**

Dated this 21st day of May, 2018.

*/s/ Charles S. Miller, Jr.*

Charles S. Miller, Jr., Magistrate Judge  
United States District Court